

**QUESTIONNAIRE FOR FILING PROPOSED RULES AND REGULATIONS  
WITH THE ARKANSAS LEGISLATIVE COUNCIL AND JOINT INTERIM COMMITTEE**

DEPARTMENT/AGENCY ADEQ  
DIVISION AIR  
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**INSTRUCTIONS**

- A. Please make copies of this form for future use.
- B. Please answer each question **completely** using layman terms. You may use additional sheets, if necessary.
- C. If you have a method of indexing your rules, please give the proposed citation after "Short Title of this Rule" below.
- D. Submit two (2) copies of this questionnaire and financial impact statement attached to the front of two (2) copies of the proposed rule and required documents. Mail or deliver to:

**Donna K. Davis  
Subcommittee on Administrative Rules and Regulations  
Arkansas Legislative Council  
Bureau of Legislative Research  
Room 315, State Capitol  
Little Rock, AR 72201**

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- 1. What is the short title of this rule?  
Permit Fee Regulations
- 2. What is the subject of the proposed rule?  
Regulations for environmental permits issued by ADEQ.
- 3. Is this rule required to comply with federal statute or regulations? Yes X No \_\_\_\_\_  
If yes, please provide the federal regulation and/or statute citation.  
Clean Air Act, 42 USC §7404 et seq.
- 4. Was this rule filed under the emergency provisions of the Administrative Procedure Act?  
Yes \_\_\_\_\_ No X  
If yes, what is the effective date of the emergency rule? \_\_\_\_\_  
When does the emergency rule expire? \_\_\_\_\_  
Will this emergency rule be promulgated under the permanent provisions of the Administrative Procedure Act? Yes \_\_\_\_\_ No \_\_\_\_\_

5. Is this a new rule? Yes \_\_\_\_\_ No X If yes, please provide a brief summary explaining the regulation.

Does this repeal an existing rule? Yes \_\_\_\_\_ No X If yes, a copy of the repealed rule is to be included with your completed questionnaire. If it is being replaced with a new rule, please provide a summary of the rule giving an explanation of what the rule does.

Is this an amendment to an existing rule? Yes X No \_\_\_\_\_ If yes, please attach a mark-up showing the changes in the existing rule and a summary of the substantive changes. Note: The summary should explain what the amendment does, and the mark-up copy should be clearly labeled "mark-up."

Amends §9.502 to allow the Director of ADEQ to hold permit fee rates constant if a certain balance is maintained in fee funds. Currently, the fee escalates yearly regardless of need or fund balance.

6. Cite the state law that grants the authority for this proposed rule? If codified, please give Arkansas Code citation.

Arkansas Water & Air Pollution Control Act, Ark. Code Ann. §8-4-101 et seq.

7. What is the purpose of this proposed rule? Why is it necessary?

Amends §9.502 to allow the Director of ADEQ to hold permit fee rates constant if a certain balance is maintained in fee funds. Currently, the fee escalates yearly regardless of need or fund balance. The amendment would give the Department the flexibility to avoid automatic fee increases that are not related to economic need. EPA Region 6 has approved the changes.

8. Will a public hearing be held on this proposed rule? Yes X No \_\_\_\_\_  
If yes, please complete the following:

Date: October 28, 2004

Time: Immediately following the Public Hearing on Regulation 19

Place: Arkansas Department of Environmental Quality, 8001 National Drive, Building D Training Room, Little Rock, Arkansas

9. When does the public comment period expire for permanent promulgation? (Must provide a date.) November 12, 2004

10. What is the proposed effective date of this proposed rule? (Must provide a date.)  
December 3, 2004

11. Do you expect this rule to be controversial? Yes \_\_\_\_\_ No X If yes, please explain.

12. Please give the names of persons, groups, or organizations that you expect to comment on these rules? Please provide their position (for or against) if known.  
Arkansas Environmental Federation (for), others unknown.